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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,823	04/12/2001	Mark Anthony Juneau	17410-00010	5039

7590 10/02/2003

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EXAMINER

ORTIZ RODRIGUEZ, CARLOS R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/833,823	Applicant(s) JUNEAU, MARK ANTHONY	
	Examiner Carlos Ortiz-Rodriguez	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3 and 7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims rejected under 35 U.S.C. 102(e) as being anticipated by Woolard et al.. U.S Patent No. 6,178,362.

Regarding claim 1 and 43-45, Woolard et al. discloses a method for at least one of monitoring the performance of existing power generating assets(see abstract and col 6 line 64) and making a management recommendation on a selection of a power generating facility out of various available power generating facilities(see col 1 lines 65-67 and col 2 lines 1-3), using a network-based system including a server system(see col 7 lines 35-40) coupled to a centralized database and at least one client system(see col 2 line 14 and fig 4),

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said method comprising the steps of: identifying assumptions to evaluate power generating facilities: receiving a power generating facility information and computing performance metrics of the power generating facility based on received information and the identified assumptions to select a power generating facility out of various available power generating facilities(see col 6 lines 59-67 and col 7 lines 11-15).

Regarding claim 2, Woolard et al. further discloses a method wherein said step of receiving power generating facility information further comprises the step of submitting information for multiple units(see col 6 line 64).

⁹ Regarding claim 3, Woolard et al. further discloses a method wherein said step of submitting information for multiple units further comprises the step of inputting at least one of a unit gross capacity, a number of hours that the unit has operated since the Commercial Operation (CO) date, a number of hours that the unit will be available for operation, and an anticipated load that the unit will be dispatched(see col 5 lines 45-47).

Regarding claim 4, Woolard et al. further discloses a method wherein said step of submitting information for multiple units further comprises the step of inputting at least one of a Unit Gross Output, a House Load, Existing Operational Hours, a Percentage of Available Hours Dispatched, and a Dispatched Load(see col 7 lines 4-8).

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Regarding claims 5 and 6, Woolard et al. further discloses a method wherein said step of submitting information for Multiple units further comprises the step of inputting at least one of a Fuel Information, a Cycle, Feed Water Temperature, and a Stack Temperature(see col 6 lines 59-65).

Regarding claim 7, Woolard et al. further discloses a method wherein said step of inputting Facility Equipment Information further comprises the step of retrieving at least one of an initial capital cost, a maintenance cost, labor cost, cost of consumables and internal power consumption cost information from the centralized database(see col 8 lines 57-59).

Regarding claim 9, Woolard et al. further discloses a method wherein said step of computing performance metrics further comprises the step of computing operational parameters at various load conditions(see col 7 lines 4-6).

Regarding claim 10, Woolard et al. further discloses a method wherein said step of computing operational parameters at various load conditions further comprises the step of computing at least one of fuel consumption, Heat Losses, Gross Heat Rate per Hour. Net I-feat Rate per Hour, Heat Losses, Efficiency of the Unit, Gross Heat Fired in million BTU per hour. Super Heater Flow. Re-Heater Flow, Heat Input, Equivalent Output, Reheat To Superheat Ratio, and other performance metrics at various load conditions(see col 7 lines 4-6).

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Regarding claim 11, Woolard et al. further discloses a method wherein said step of computing performance metrics further comprises the step of predicting fuel and consumable consumption(see col 16 lines 37-40).

Regarding claim 12, Woolard et al. further discloses a method wherein said step of computing performance metrics further comprises the step of verifying the actual performance of the units at a specific load condition(see col 7 lines 4-6).

Regarding claim 13, Woolard et al. further discloses a method wherein said step of computing performance metrics further comprises the step of calculating the approximate dimensions of the boilers' furnace for operational considerations(see col 6 line 64).

Regarding claim 14, Woolard et al. further discloses a method for determining a value for one or more power generating facilities, said method comprising the steps of:
selecting via a user interface, power generating capabilities of power plants(see col 6 line 67);
generating a prediction of periods of time when one or more of the power plants are not generating power(see col 6 lines 23-30);
selecting via the user interface, a cost to operate the power plants; and
generating a prediction of revenues produced by the power plants(see col 8 lines 57-58).

Regarding claim 18, Woolard et al. further discloses a method wherein said step of selecting power generating capabilities of the power plants comprises the step of selecting from the user interface an age for each of the facilities(see col 6 lines 7-10).

Regarding claim 20, Woolard et al. further discloses a method comprising the step of selecting from the user interface, control equipment for each of the power plants(see col 3 lines 13-19).

Regarding claim 22, Woolard et al. further discloses a method wherein said step of generating a prediction of periods of time further comprises the step of generating a prediction of major and minor power generation outages(see col 6 lines 15-20).

Regarding claim 23, Woolard et al. further discloses a method wherein major and minor power production outages are predicting using historical plant maintenance data(see col 6 line 1).

Regarding claim 24, Woolard et al. further discloses a method wherein the historical data includes a history of cold, warm and hot power plant startups(see col 7 lines 1-3) .

Regarding claim 25, Woolard et al. further discloses a method comprising the step of generating a major maintenance summary(see col 6 line 30).

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Regarding claim 26, Woolard et al. further discloses a method wherein said step of selecting a cost to operate the power plants comprises the step of entering rentals, leases, planned spare parts and other consumables(see col 6 line 14-15).

Regarding claim 27, Woolard et al. further discloses a method wherein said step of generating a prediction of revenues comprises the step of determining a number of energy offset costs consumed by the power plants(see col 5 lines 47-52).

Regarding claim 28 and 29, Woolard et al. further discloses a computer program embodied on a computer readable medium for managing evaluation and selection of a power plant out of various acquisition candidates, comprising a code segment that receives power generating facility information and then:
maintains a database by adding deleting and updating facility information(see col 9 lines 54-55);
generates management reports based on the received facility information(see col 6 line 30); and
provides flexibility to an administrator to modify user profile Information(see col 6 lines 49-52).

Regarding claim 30, Woolard et al. further discloses a computer program as recited in Claim 28 further including a code segment that receives at least one of a unit gross capacity, number of hours that the unit has operated since the Commercial Operation (CO) date, the number of hours that the unit will be available for operation, and the anticipated load that the unit will be dispatched(see col 5 lines 45-47).

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Regarding claim 31, Woolard et al. further discloses a computer program as recited in Claim 30 further including a code segment that receives at least one of a Unit Gross Output, a House Load, Existing Operational Hours, Percentage of Available Hours Dispatched, a Dispatched Load, Fuels Information, a Cycle, Feed Water Temperature, and Stack Temperature; and a code segment that receives Facility Equipment Information by selecting at least one of a Flyash Control Equipment, a So2 Control Equipment, a Mercury Control Equipment, and a NOx Control Equipment to reflect the actual condition of the facility that is being evaluated(see col 7 lines 4-8).

Regarding claim 32, Woolard et al. further discloses a computer program as recited in Claim 31 further including a code segment that receives at least one of an initial capital cost, a maintenance cost, labor cost, cost of consumables and internal power consumption cost information from the centralized database(see col 8 lines 57-59).

Regarding claim 33, Woolard et al. further discloses a computer program as recited in Claim 28 further including a code segment that generates at least one of an Operations Cost Summary Report, a General Information Report, a Capital Costs Summary Report, an Annual Maintenance Costs Report, a Major Maintenance Summary Report, a Fees and Services Report, a Direct Material Report, and Equipment, Rental & Spares Report, a Fuels Report, a Coal Offset Report, an O & M Labor. Purchased Power & Fuel Calculations Report, a Steam Correction Factor Report, a Turbine Generator Report, a Dispatch Information Report, an Annual Summary

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of Key Information to Analyze Potential Investment Report, a Co2 Tax Calculations Report, and an Operational Cost Summary Report(see col 6 line 30).

Regarding claim 34, Woolard et al. further discloses a computer program as recited in Claim 28 further includes a code segment that provides an option to the administrator which includes at least one of changing number of units option, updating users option, changing administrator option, and updating product table option(see col 6 lines 49-52)..

Regarding claim 35-42 and 74-77, Woolard et al. further discloses a computer program embodied on a computer readable medium for managing evaluations of power generating facilities, comprising: a code segment that receives facility information from a user: a code segment that enters the facility information into a centralized database; a code segment that stores the facility information into the centralized database and cross-reference the facility information against an unique identifier(see col 2 lines 10-15); and a code segment that analyzes the facility based on pre-selected criteria stored in a server system and provides recommendations to the user in response to an inquiry; wherein the network utilizes protocol TCP/IP (see col 1 lines 65-67 and col 2 lines 1-9) ; and monitoring the security of the system by restricting access to unauthorized individuals(see col 10 lines 42-46).

Regarding claim 46, Woolard et al. further discloses an apparatus wherein said means for analyzing the power generating facility further comprises means for analyzing based on a pre-

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defined model and assumptions developed from the past experience and stored in the database(see col 6 line 1).

Regarding claim 47, Woolard et al. further discloses an apparatus 47 further comprising means to generate a report of the facility analysis(see col 6 line 30).

Regarding claim 48 and 49, Woolard et al. further discloses an apparatus further comprising means for reviewing strategic model and financial assumptions(see col 8 lines 57-60).

Regarding claims 52,54-59-61, and 63-73, Woolard et al. further discloses a web-based system for selecting a power generating facility utilizing a strategic decision model, said system comprising: a client system comprising a browser: a data storage device for storing information; a server system configured to be coupled to said client system and said database, said server system further configured to: receive facility information(see col 2 lines 15-20 and col 10 lines 42-46 and fig 2), allocate operating expenses based on prior experience in evaluating the facility(see col 6 line 1); calculate facility cost and associated return on investment(see 6 lines 7-15), and provide various management reports that provide operational details and recommendation to management for a selected facility out of~ various power generating facilities based on pre-defined assumptions(see col 6 line 30).

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Regarding claim 53, Woolard et al. further discloses an apparatus a system wherein said server system further configured to: receive at least one of at least one of a unit gross capacity, number of hours that the unit has operated since the Commercial Operation (CO) date, the number of hours that the unit will be available for operation, and the anticipated load that the unit will be dispatched: receive at least one of a Unit Gross Output, a House Load. Existing Operational Hours, a Percentage of Available Hours Dispatched, a Dispatched Load, Fuels Information, a Cycle, a Feed Water Temperature, and a Stack Temperature: receive Facility Equipment Information by selecting at least one of a Flyash Control Equipment, a So₂ Control Equipment, a Mercury Control Equipment, and a NOX Control Equipment to reflect the actual condition of the facility that is being evaluated: and receive at least one of an initial capital cost. a maintenance cost, a labor cost, cost of consumables and internal power consumption cost information from the centralized database(see col 7 lines 4-8).

Regarding claim 62, Woolard et al. further discloses an apparatus a system wherein said server system further configured to print at least one of an Operations Cost Summary Report, a General Information Report, a Capital Costs Summary Report, an Annual Maintenance Costs Report. a Major Maintenance Summary Report, a Fees and Services Report, a Direct Material Report, an Equipment, Rental & Spares Report, a Fuels Report, a Coal Offset Report, an O & M Labor, a Purchased Power & Fuel Calculations Report, a Steam Correction Factor Report, a Turbine Generator Report, a Dispatch Information Report, an Annual Summary of Key Information to Analyze Potential Investment Report, a CO₂ Tax Calculations Report, and an Operational Cost Summary Report(see col 6 line 30).

Regarding claim 78-83, Woolard et al. further discloses a computer to facilitate an online strategic decision making process to select a power generating facility out of all acquisition candidates, said computer coupled to a centralized database and programmed to: receive a power generating facility information into a centralized database; store the power generating facility information into various subsections of the centralized database to create a facility profile and cross-reference the facility profile against a unique identifier for easy retrieval and update; evaluate the facility based on pre-determined values stored in the centralized database(see col 2 lines 48-60 and col 2 lines 13-15 and fig 2); and generate reports that help management to identify a facility that reduces risk and maximize profits(see col 2 lines 1-3); and provide notification to users via electronic mail(see col 20 lines 20-21).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 8,15-16, 19,21, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolard et al. U.S Patent No. 6,178,362 in view of Takriti et al. U.S. Patent No. 5,974,403.

Woolard et al. discloses all the limitations of base claims 2,14 and 43 but, fails to clearly specify details regarding selecting a zip code, a selection of fuel or analyzing investment risk.

However Takriti et al. discloses selecting a consumer price index for a zip code(see col 4 lines 5-6), selecting a fuel used by each of the facilities(see 7 lines 50-56) and identifying risk of the investment(see col 3 lines 32-33).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the above invention suggested by Woolard et al. and combining it with the invention disclosed by Takriti et al. The results of this combination would lead to a method and systems for the evaluation of power generating facilities.

One of ordinary skill in the art would have been motivated to do this modification in because it is well known in the art that fuel cost varies depending on the region and that the risk of investment must be managed efficiently as disclosed by Takriti et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to method and systems for the evaluation of power generating facilities:

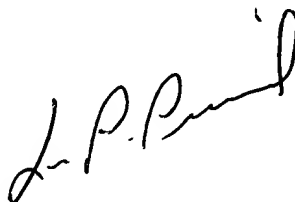
- a. U.S. Pat. No. 6,157,943 to Meyer, which discloses internet access to a facility management system.
- b. U.S. Pat. No. 6,519,509 to Nierlich et al., which discloses system and method for monitoring and controlling energy distribution.
- c. U.S. Pat. No. 6,522,955 to Colbron, which discloses system and method for power management.
- d. U.S. Pat. No. 6,553,418 to Collins et al., which discloses energy information and control system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is (703) 305-8009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Carlos Ortiz-Rodriguez
Patent Examiner
Art Unit 2125



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September 26, 2003

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